AUSA KHO

FILED
JUN 23 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Manuel Esteban Rodriguez-SOTO
Defendant.

Magistrate Case No.: '08 MJ 8564

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about June 22, 2008, within the Southern District of California, defendant Manuel Esteban Rodriguez-SOTO did knowingly and intentionally import approximately 26.40 kilograms (58.20 lbs) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

[signature]
Special Agent Lance Swanson
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23RD, DAY OF JUNE 2008.

[signature]
PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Manuel Esteban Rodriguez-SOTO

STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to US Immigration and Customs Enforcement Special Agent (SA) Lance Swanson.

On June 22, 2008 at approximately 1339 hours, Manuel Esteban Rodriguez-SOTO entered the United States at the Calexico, California, West Port of Entry. SOTO was the sole occupant driver and owner of a 2001 gray Chevy Venture van.

During the primary inspection, Customs and Border Protection Officer (CBPO) Alfredo Lopez received a negative Customs Declaration. SOTO stated he was the owner of the vehicle. CBPO Lopez observed that SOTO's head was almost touching the roof of the vehicle, which was unusual. CBPO Lopez went to the passenger side of the van and checked the roof. CBPO Lopez observed a large gap discrepancy between the outside top of the roof and the inside bottom of the roof. SOTO and the vehicle were referred to secondary inspection.

In the vehicle secondary lot, CBPO Richard Mendibles noticed SOTO's hand was trembling unusually and that SOTO kept taking quick drinks of a beverage in his hand. CBPO Richard Mendibles requested CBP K-9 Officer David Alba to screen the vehicle with his Narcotics Detection Dog (NDD). CBP K-9 Officer David Alba received an alert from his NDD on the dashboard area and roof of the vehicle.

Upon closer inspection, CBPO Richard Mendibles discovered 30 packages concealed inside the roof of the vehicle. One of the packages was probed and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The 30 packages had a combined net weight of approximately 26.40 kilograms (58.20 lbs).

SOTO was placed under arrest and advised of his Constitutional Rights, which he acknowledged and waived, agreeing to answer questions. SOTO stated to Special Agent Swanson he was offered $2000 to smuggle marijuana into the United States.